



Attorney's Docket No. 08291-673001 / 10617P1-USw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rodney Thomas Fox et al.      Art Unit : 1617  
Serial No. : 09/720,942      Examiner : Shaojia A. Jiang  
Filed : June 8, 2001  
Title : TREATMENT OF AIRBORNE MICROORGANISMS

#15  
AKO  
4-15-03

BOX AF  
Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

JAN 15 2003

**REQUEST FOR RECONSIDERATION**

TECH CENTER 1600/2900

SIR:

Receipt is acknowledged of the Notice of Improper Request for Continued Examination (RCE) mailed on 23 December 2002. Applicants hereby request reconsideration and withdrawal of said Notice.

The instant application is a National Phase filing of PCT/GB99/01979 whose International Filing Date is 23 June 1999. On 18 October 2002, Applicants transmitted a Continued Prosecution Application (CPA) Request using form PTO/SB/29. This form does not provide space to refer to an International filing date, but the International filing date was mentioned in the transmittal letter accompanying said request form.

Since the filing date associated with the U.S. Serial number is 8 June 2001, the PTO treated Applicants' CPA Request as an RCE and issued a Notice to the effect that it was an improper RCE because it was not accompanied by a "Submission" as required under 37 C.F.R. § 1.114. Applicants submit that what was filed on 18 October 2002 is a proper CPA.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

7 January 2003

Date of Deposit

*Maryann White*

Signature

Maryann White

Typed or Printed Name of Person Signing Certificate

The applicable Rule is 37 C.F.R. § 1.53(d)(1) which reads, in pertinent part:

(1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:

(i) The prior nonprovisional application is:

(A) ...;

(B) ...; or

(C) The national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000, and is in compliance with 35 U.S.C. 371; and

(ii) The application under this paragraph is filed before the earliest of:

(A) Payment of the issue fee on the prior application, unless a petition under § 1.313(c) is granted in the prior application;

(B) Abandonment of the prior application; or

(C) Termination of proceedings on the prior application.

Applicants' International filing date is prior to 29 May 2000.

Accordingly, it is requested that the Notice of Improper Request for Continued Examination be rescinded and that this application proceed as a Continued Prosecution Application (CPA).

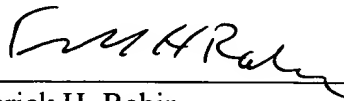
Applicant : Rodney Thomas Fox et al.  
Serial No. : 09/720,942  
Filed : June 8, 2001  
Page : 3

Attorney's Docket No.. 08291-673001 / 10617P1-USw

It is believed that no fee is due in connection with this Request for  
Reconsideration but any fees should be charged or credited to Deposit Account  
No. 06-1050.

Respectfully submitted,

Date: 7 Jan. 03

  
\_\_\_\_\_  
Frederick H. Rabin  
Reg. No. 24,488

Fish & Richardson P.C.  
45 Rockefeller Plaza, Suite 2800  
New York, New York 10111  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291